

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-2343

United States of America,

Appellee,

v.

Raymond A. Poitra,

Appellant.

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Appeal from the United States

District Court for the

District of North Dakota.

[UNPUBLISHED]

Submitted: May 7, 2004

Filed: May 24, 2004

Before MELLOY, HANSEN, and COLLOTON, Circuit Judges.

PER CURIAM.

Raymond A. Poitra pleaded guilty to charges relating to his embezzlement and theft of funds from an Indian tribal organization owned by the Turtle Mountain Band of Chippewa Indians. The district court¹ sentenced him to 57 months imprisonment and 2 years supervised release, and ordered restitution of \$577,397. Poitra appeals.

¹The Honorable Daniel L. Hovland, Chief Judge, United States District Court for the District of North Dakota.

The government moves to dismiss on the basis of an appeal waiver contained in the plea agreement. Poitra's counsel has moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967), noting the appeal waiver and suggesting that no appealable issues exist. Poitra has filed a pro se supplemental brief raising issues related to his counsel's effectiveness and the validity of his guilty plea.

We enforce the appeal waiver and grant the government's motion to dismiss this appeal. See United States v. Andis, 333 F.3d 886, 889-90 (8th Cir.) (en banc), cert. denied, 124 S. Ct. 501 (2003). Having reviewed the record independently under Penson v. Ohio, 488 U.S. 75 (1988), we have found no nonfrivolous issues falling outside the scope of the appeal waiver. Accordingly, we grant counsel's motion to withdraw.
